

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM FLORENCE COUNTY  
D. CRAIG BROWN, CIRCUIT COURT JUDGE

LOWNBELL DEAN CADES, APPELLANT,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

APPELLATE CASE NO. 2013-002327

PRO-SE BRIEF OF APPELLANT

## STATEMENTS OF ISSUE ON APPEAL

- 1) Did the trial Judge err for failing to impeach witness due to conflicting statements?
- 2) Did the trial Judge err for failing to grant trial counsel's renewal of his prior motions?
- 3) Did the trial Judge err in failing to grant the directed verdict?
- 4) Did the trial Judge err in admitting Exhibit 2 into evidence?

## STATEMENT OF THE CASE

ON MARCH 28, 2013 the County Grand Jury indicted CADES for arson third degree indictment #2013-GS-21-00485. ON October 21, 2013, CADES proceeded to jury trial before the Honorable D. Craig Brown. KAREN PARROT represented CADES at trial. Todd Tucker prosecuted the case. The jury returned a verdict of guilty. Judge Brown sentenced CADES to (15) years in prison. A timely notice of intent to appeal was served on October 23, 2013.

This letter is being addressed on behalf of Mr. Cowndell CADES  
This letter is written to prove that the trial judge did  
in fact error by admitting, over objection as being  
cumulative, all 88 color photos taken by an investigator  
at the scene of the mobile home fire.

This gave Mr. CADES no chance at a fair trial.  
Mr. CADES trial was not in his favor at all because  
of this. The jury was misled due needless presentation  
of cumulative evidence. There was no way for Mr. CADES  
to win his trial when it was already decided for  
the jury. The Judge failed to exercise his discretion  
in admitting all 88 color photos. There by handing the jury a  
guilty plea. By admitting the color photos this gave Mr. CADES no  
chance at defending himself. The jury needed no more evidence  
than the photos to convict Mr. CADES of this crime.  
This allowed Mr. CADES to be found guilty by undue prejudice  
and that was unfair to Mr. CADES. IN A trial one should  
have a fighting chance and due to the volume of photos  
Mr. CADES had none. SEE Fontaine v. Pertz 291 S.C. (1987)  
Sample v. Mitchell 329 S.C. (1997) State v. Kornahrens 290, S.C. (1986)  
State v. Smith 276 S.C. (1981)

## ARGUMENT

Trial Judge Errored For failing to impeach witnesses due to conflicting statement. Tr.p 45 L. 9-18 and Tr.p 47 L. 10-16

The witnesses was unreliable concerning what time the fire started by saying (Tr.p. 45 L. 16, 17 No, ma'am the fire didn't start around that time. I don't know what time the fire started.

Conflicting statement Tr.p. 47 L. 10-16 The witness stated that she was out of it that night.

Tr.p. 59, 60 L. 23-25 and page 60 L. 3-7 the witness stated that he doesn't remember talking with the law enforcement on the day of the fire.

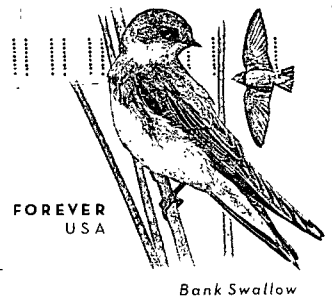
Trial Judge Erred for failing to grant trial counsel's renewal of her prior motion. Tr.p. 180 L. 11-17

Trial Judge Erred in failing to grant the directed verdict.  
Tr.p 167 L. 10-168 L. 19

Trial Judge Erred in admitting Exhibit 2 into evidence.  
Tr.p. 109 L. 1-P 110 L. 1

LOWNOELL DEON CADES #197569  
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